

**DELTA PROTECTION COMMISSION**

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**April 14, 1995**

**TO: Delta Protection Commission**

**FROM: Staff**

**RE: 1994-95 Legislative Update  
(For Information Only)**

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The following selected Senate and Assembly bills are related, to some extent, to elements of the Delta Protection Commission's Land Use and Resource Management Plan for the Primary Zone.

The last day to submit bills for the 1994-1995 Legislative Session was February 24, 1995. You will be updated periodically on the following bills as they move through the respective legislative committees. If any of the following bills are approved by the Legislature, they will take effect January 1, 1996; unless legislation is declared an urgency measure. In that case, the legislation would take effect immediately upon approval of the Governor.

If you would like a copy of any of the following bills, please contact Colleen McMahon.

**1. ENVIRONMENT.**

**AB 137, Olberg: Endangered and Threatened Species.**

Provides that after January 1, 1996, species may not be added to the lists of endangered or threatened species except by statute. The bill also requires that a cost-benefit analysis (economic assessment report) be prepared, and that a species will not be put on a list unless that report shows the benefits of listing the species outweighs the costs of protecting the species.

**AB 298, Rainey: Environmental Quality.**

Authorizes that a master environmental impact report be prepared for a regional plan

prepared pursuant to state law. The bill requires a lead agency to follow prescribed procedures in obtaining review and approval from a state or local agency of the project, a mitigation plan, or other document. The bill also requires the state or local agency to comply with specified requirements in that review and approval process.

AB 350, Bustamante: Endangered Species.

Requires the Fish and Game Commission, in determining to list a species, to consider the range of the species and identify potential sources of funding to carry out all recommendations and suggestions. The bill would require the Fish and Game Commission to issue a report on the costs of listing and delisting species. The bill also authorizes the Commission to consider federal listing of the species as an alternative to state listing.

AB 428, Olberg: Endangered Species.

Prior to a species being listed, the Fish and Game Commission must accept a petition for the consideration of the species as threatened. Owners of land which may provide habitat for such species will be prohibited, once that species is listed, from using their land in manner which will adversely affect the existence of such species. This bill would require that land will be excluded from such a requirement if the species to be listed is not observed during the petition's period of review.

AB 468, Vasconcellos: Environmental Regulatory Process: computer technology.

Requires the California Environmental Protection Agency to consult with private industry associations with regard to improving the environmental protection regulatory compliance process, including through the use of computer technology (rather than just consulting with governmental agencies).

AB 1332, Sweeney: Environmental Quality: public water systems.

Requires that under the California Environmental Quality Act, a lead agency must consult with a public water system that may be affected by a proposed project. The lead agency must obtain specific information from the public water system, for example, information regarding the public water system's ability to provide water to the proposed project, existing uses, and reasonably foreseeable future projects.

AB 1402, House: Endangered Species: compensation to property owners.

Requires the Department of Fish and Game to compensate owners of property damaged or destroyed by protected species, including rare, threatened, or endangered species.

AB 1630, Olberg: Environmental Filing Fees: exemption.

This bill would exempt applicants from paying environmental filing fees to the Department of Fish and Game when projects are located within the boundaries of a habitat conservation plan or natural community conservation plan.

SB 123, Thompson: Fish and Game Violations.

This bill makes changes in the Fish and Game Code regarding the punishment and charges of taking and selling of animals listed in the Code. [Currently the code makes it a felony to take or sell any fish, bird, mammal, and etc; this bill changes that charge to a misdemeanor.]

SB 200, Maddy: Environmental Permits.

Creates the Office of Permit Oversight (OPO) in the California Environmental Protection Agency. The OPO must monitor and, if requested by a permit applicant, to intercede in the processing of permit applications for environmental permits by state and local agencies. This bill would also create the Environmental Permit Oversight Fund which specified fee revenue will be deposited into and shall be available to the OPO for administrative costs.

SB 739, Polanco: Environmental Regulations.

Requires the California Protection Agency, prior to adopting any regulation that is more stringent than Federal regulations, to determine that there is sufficient evidence demonstrating that the more stringent regulation is necessary to protect public health and safety, or the environment, from reasonably anticipated adverse effects, and is cost-effective.

SB 883, Hayden: Endangered Species Act.

This bill would expand the definition of "take" as it applies to the Endangered Species Act to include the degradation of wildlife habitat.

SB 1120, Costa: Endangered Species.

Prohibits penalizing the accidental take of candidate, threatened, or endangered species resulting from inadvertent or negligent acts that occur in the ordinary course of otherwise lawful activities.

SB 1177, Killea: Endangered Species.

Authorizes the Department of Fish and Game to issue permits for the take of threatened, endangered, and candidate species under specified conditions. The bill would

authorize judicial review of any finding by the Fish and Game commission.

SB 1255, Senate Natural Resources and Wildlife Committee: Salmon.

Requires the Fish and Game Commission to report to the Legislature on or before July 1, 1995 on the Commission's policy regarding the natural production of salmon.

**3. LAND USE.**

AB 61, Baca: County Service Areas.

Under the County Service Area Law, a county service area may be established to provide for specified services. This bill would add open-space and habitat conservation to those services that may be provided.

AB 96, Hannigan: Development Projects: financing infrastructure.

Prohibits a public agency from approving a development project unless a demonstrable method exists for financing the necessary roads, schools, water, and sewer facilities, and other public facilities and services. [Public agency includes any state, city, or county agency.]

AB 1287, Cortese: Environmental Subdivisions: creation.

The bill would create a new category, known as an environmental subdivision, to be regulated pursuant to the Subdivision Map Act. The bill would define an environmental subdivision as "identified environmentally sensitive land of at least 20 acres, which is divided into parcels, and which is permanently reserved for the exclusive purpose of providing open space land to serve as biological mitigation for impacts to the environment, or to preserve sensitive habitat in fee ownership rather than with a conservation easement." The bill would provide that minimum lot area requirements established by local zoning codes and general plans shall not apply to the creation of individual parcels of an environmental subdivision.

AB 1320, Olberg: Protection of Private Property Rights.

This bill is intended to protect the ownership and use of private property against regulatory taking by state agencies. It requires state agencies to complete private property taking impact analysis before commencing any regulatory action that could result in diminished use or value of private property; it creates a cause of action against the state if any regulatory action infringes on the rights of property owners; and creates within the Resources Agency, the Real Property Ombudsman to represent the rights of property owners.

SB 73, Johannessen: Sacramento River Valley Riparian Lands Commission.

This bill creates within the Resources Agency a Sacramento River Valley Riparian Lands Commission. The bill authorizes the Commission to acquire and manage riparian lands and conservation easements in the Sacramento River Valley corridor. The Commission would be required to integrate flood control into the management of those lands and easements.

SB 190, Costa: San Joaquin River Conservancy: grants: real property.

The bill authorizes the San Joaquin River Conservancy to award grants to public agencies and nonprofit organizations for the purposes of the act, and, to nonprofit organizations for the acquisition of real property.

SB 275, Costa: Agricultural Land Conservation.

The bill would enact the Agricultural Land Stewardship Program Act of 1995. The Act would establish a program for grants from the Department of Conservation to local governments and nonprofit organizations, for the acquisition of agricultural conservation easements. The bill would create the Agricultural Land Stewardship Program Fund consisting of money deposited from specified sources to be available for the program.

SB 333, Campbell: Land Use: development agreements.

This bill requires that any action attacking or setting aside the decision of a city or county to adopt a development agreement be filed in a court within 30 days after the adoption of the ordinance approving the development agreement.

SB 635, Haynes: Property and Homeowner Protection Act.

The bill enacts the Property and Homeowner Protection Act, which includes findings and declarations of the Legislature relating to the rights of property owners. The bill requires that whenever implementation of a regulatory program by the state or a political subdivision denies a landowner a permitted use of his or her land, the landowner must be compensated. The bill would limit the authority of a public agency to regulate land use, and requires public agencies to review all proposed regulatory actions' impact on the rights of affected property owners.

SB 1280, O'Connell: Land and Water Conservation Act.

This bill enacts the Land and Water Conservation Act which would allow the Secretary of the Resources Agency to implement a program where property or interests in property may be donated to the state, local governments, or to any nonprofit organization to provide for the conservation of land and water according to certain specifications in the Act. The Act allows for purchasers and sellers of such land that is donated to receive tax credits.

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SB 4X, Haynes: Project Plans: exemptions.

This bill would exempt projects by any city that alter the natural flow of the bed, channel, or bank of any river, stream, or lake from submitting plans to the Department of Fish and Game.

4. AGRICULTURE.

AB 188, Machado: Tax Credit for Irrigation Equipment.

The bill would provide for a tax credit of up to 15% of the amount paid for the payment and installation of qualified water application and distribution equipment (irrigation equipment). The tax payer must be a farmer and the equipment must be installed on California agricultural lands.

AB 389, Cannella: Agriculture: environmental farming.

The bill would require the Department of Food and Agriculture to establish and oversee an environmental farming program, which would be voluntary and would provide incentives to promote environmental farming throughout California. Environmental farming is defined as "agricultural practices that are proven to benefit habitat, air quality, water systems, and wildlife." The incentives provided by the department may include tax credits and waivers of regulatory fees or inspections.

AB 939, Cortese: California Wine Industry.

This bill authorizes the Assembly Select Committee on Wine Production and Economy to enter into and sponsor a dialogue with wine grape growers, vintners, the University of California, and the California State University to explore the concept of a partnership between state government and the wine industry for the purpose of maximizing research funding to ensure the long-term health and competitive position of the California wine and grape industries.

AB 1022, Aguiar: Williamson Act: contracts and cancellation fees.

This bill would require the county assessor to determine the property owner's cancellation fee by certifying the fair market value of the land as though it were free of the Williamson Act contractual restriction.

SB 175, Maddy: District Agricultural Associations.

This bill would permit the formation of district agricultural associations for the purpose of exhibiting and promoting agricultural industries, industrial enterprises, resources,

and products of the state. [Current law does not authorize associations to promote the enterprises, industries, etc.]

SB 673, Costa: Farm Labor Contractors.

This bill deletes the requirement that the Labor Commissioner conduct an investigation before making a finding as to the satisfactory character, competency, and responsibility of the person applying for a farm labor contractor's license.

SB 831, Costa: California Tomato Commission.

This bill would create the California Tomato Commission in state government. The Commission would be authorized to carry out programs of education, promotion, marketing, and research relating to tomatoes. The bill authorizes the Commission to levy an assessment on producers and handlers of tomatoes, and authorizes the expenditure of those funds for purposes of carrying out the bill. The bill would not become operative without the approval vote of the producers and handlers of tomatoes.

5. WATER.

AB 120, Katz: Water Transfers.

This bill provides that, upon the termination or completion of a water transfer agreement, the rights to the water returns to the original possessor (the water vendor in the transfer contract).

AB 584, Rainey: General Plans: water planning information.

This bill requires cities and counties, upon the next revision of their general plan following January 1, 1996, to consider and include in the administrative record, information relating to water supply availability, provided that this information is available. [NOTE: AB 1005, Cortese and SB 901, Costa are very similar to this legislation, but more inclusive.]

AB 619, Bustamante: Water Facilities: Environmental Bay Byway.

This bill would require the Department of Water Resources to construct a waterway known as the "Environmental Bay Byway" for the purpose of providing water to central and southern California.

SB 129, Kelley: Water Recycling.

This bill would create the Office of Water Recycling within the Department of Water Resources. The bill would require the office to provide assistance to any person seeking to



further the development, distribution, or use of recycled wastewater; to work with the State Water Resources Control Board and other state agencies to promote the production and use of recycled water; and to provide information to update the state water plan.

SB 179, Kelley: Water Reuse Institute.

This bill would appropriate \$50,000, from the General Fund to the University of California to establish a water reuse institute. The purpose of the institute is to enhance the orderly implementation of water reuse and recycling to maintain a sustainable environment for the benefit of California. The bill sets forth the institute's activities.

SB 572, Kelley: Waste Discharge Requirements.

This bill authorizes the State Water Resources Control Board to prescribe waste discharge requirements at the Board's discretion

SCR 20, Appropriative Water Rights.

This measure requests the State Water Resources Control Board to review the appropriative rights granted to the federal government pursuant to state law to determine the terms and conditions contained in water rights permits or licenses held by the federal government.

6. RECREATION AND ACCESS.

AB 347, Woods: Sportfishing: licenses.

This bill allows landowners who have a lake or pond on their property to take fish from the lake or pond without a license. [NOTE: SB 892 is similar to AB 347.]

7. LEVEES.

AB 360, Hannigan: Delta Levee Maintenance Reimbursement.

The bill would require the Department of Water Resources, in consultation with the Department of Fish and Game, to develop and submit to the Reclamation Board, criteria for levee maintenance activities, including habitat restoration work that could be performed by the local agencies on project levees. The bill authorizes that eligible local agencies be reimbursed for costs incurred in any year for maintenance activities that include benefits to the Sacramento-San Joaquin Delta and the state by providing habitat restoration in accordance with the criteria adopted by the Board.

AB 832, Woods: Reclamation Board: flood waters.

This bill provides that a levee may be protected or strengthened in the case of emergency during flooding season if the levee or the immediately adjoining property is in danger of injury or destruction from flooding. [Current law does not include the protection of immediately adjoining property.]

SB 900, Costa: Water Resources and Delta Restoration Act of 1996.

The bill would enact the Water Resources and Delta Restoration Act of 1996. If adopted, the Act would authorize the issuance of bonds to finance prescribed water programs. Those programs include, but are not limited to, paying the state's share of the nonfederal costs of flood control and flood prevention projects, paying the state's share of the costs of carrying out fish and wildlife restoration measures set forth in the Central Valley Project Improvement Act, to pay the costs of projects necessary to implement a comprehensive plan for the Sacramento-San Joaquin Delta, for enhancing inland fisheries in northern California, and for levee restoration, land acquisition, and infrastructure improvements in the Delta for the purpose of enhancing habitat conditions for the resident and migratory fisheries.

8. MARINE PATROL.

AB 122, Rainey: Personal Watercraft: certificate renewal fees.

The bill would authorize the continuing appropriation of funds in the Harbors and Watercraft Trust Fund to the Department of Boating and Waterways for allocation to each county for boating safety programs. The allocations would be based on pro rata shares of total boat registrations. This bill ensure that specified funds in the Harbors and Watercraft Trust Fund are allocated to boating safety and not to other agencies or other departments within the Department of Boating and Waterways. [NOTE: See SB 893, Leslie and ACA 12.]

AB 742, Kuykendall: Boating Safety: lifeguard rescue.

This bill includes the operation of offshore ocean lifeguard rescue vessels as a boating safety and enforcement program entitled to receive state financial aid for boating safety and enforcement programs for counties.

AB 749, Kuykendall: Operating Vessels Under the Influence.

This bill makes it an infraction for a person under the age of 21 years to operate a motorized recreational vessel with a blood alcohol level of .01% or more. [Current law makes it an infraction to be operating a vessel under the age 18 with a blood alcohol level of .05%]

SB 893, Leslie: Harbors and Watercraft Revolving Fund.

This bill requires the Department of Parks and Recreation to submit a report to the Legislature each year describing the allocation and expenditure of funds received from the Harbors and Watercraft Revolving Fund and the Motor Vehicle Fuel Account of the Transportation Tax Fund. The report must itemize the specific project or use, location, and amount of money allocated or expended, the source of funds allocated or expended, and the relation of the project or use to boating activities and facilities.

ACA 12, Rainey: Vessel Fuel Taxes.

This measure would require the revenues from vessel fuel taxes imposed by the state to be used for small craft harbors and connecting waterways, boating facilities, beach erosion control, and state administration and enforcement of laws regulating the use, operation, or registration of vessels used upon state waters.

**9. BILLS REGARDING FUNDING SOURCES.**

AB 117, Knowles: Proposition 117: California Wildlife Protection Act of 1990.

This bill would repeal Proposition 117 upon approval of the voters. The bill would restore unencumbered money transferred by the California Wildlife Protection Act to the Habitat Conservation Fund. The bill would also authorize taking mountain lions as game mammals under a license issued by the Department of Fish and Game for a \$1 fee. The revenue from the fee would be deposited into the Fish and Game Preservation Fund, a continuously appropriated fund.

AB 704, Knowles: Commercial Fishing: salmon.

This bill would authorize the Department of Fish and Game to deposit grants from the federal government, private foundations, money disbursed from court settlements, and donations and bequeaths from individuals into the Commercial Salmon Stamp Account in the Fish and Game Preservation Fund. This bill expands the funding resources to be deposited into the account. The money in this account would be continuously appropriated to the Department of Fish and Game for specified salmon programs.

SB 749, Hayden: California Parks, Natural Resources, and Wildlife Bond Act of 1996.

This bill would enact the California Parks, Natural Resources, and Wildlife Bond Act of 1996. If adopted, the bond act would finance a program for the acquisition, development, rehabilitation, enhancement, restoration, or protection of park, beach, wildlife, and natural resources. The amount of bonds issued would be \$300 million.

SB 846, Thompson: State Coastal Conservancy: rivers, watersheds, and agricultural lands.

This bill would authorize the State Coastal Conservancy to award grants to local public agencies and nonprofit organizations outside the coastal zone for the purpose of acquiring conservation easements to prevent the loss of agricultural land to other uses, and to assemble agricultural lands into parcels of adequate size permitting continued agricultural production. [Current law only authorizes the Conservancy to award grants to entities located inside the coastal zone.]